

Good afternoon Mr. Zimmerman,

We appreciate your interest in the Austin Fire Department as a candidate for Council District 6. I understand that Chief Nicks had time to speak with you directly, and I appreciate him doing that as the President of the Local 975, but City employees have been asked to follow a standard practice with regard to the upcoming election that unfortunately precludes me from doing the same. In order to ensure equal access to information, City employees must respond to all questions from Council Candidates in writing so that all candidates can access the information in a shared database. I hope you understand my inability to meet with you individually.

With that in mind, let me respond to your initial questions about the DOJ proposed consent agreement and I will be happy to respond to any further questions you might have on the topic.

The 2012 hiring process did experience an issue with all the candidates receiving one half hour less time to take the test. AFD is not involved in administering the test; that falls to the Civil Service Office within the City's Human Resources Department. However, it is important to note that the reduced time is not what the DOJ focused on during their investigation (see attached letter dated September 26, 2013). They describe how unintended adverse impact is created by the use of a cutoff score on the NFSI written test and the use of a rank order process for selecting applicants.

Let me assure you that everyone at AFD is committed to the highest training and performance standards, and we do not believe entering into a Consent Decree will alter those standards. We made adjustments to the 2013 hiring process that resulted in a better process, but the test still did not meet all the DOJ's requirements to reduce the adverse impact on Hispanics and African Americans. Fortunately, the Federal government has indicated in the proposed Consent Decree that they will allow us to move forward with hiring from the 2013 list. This is critical as the number of vacant Firefighter positions is growing and we need to resume hiring as soon as possible to meet the City's growing service demands.

I encourage you to review the proposed Consent Decree. You can access it on our website at the following link: <http://austintexas.gov/sites/default/files/files/Fire/Legal/consentdecree060914.pdf> The next step in the process is a "fairness hearing" that will occur on Wednesday, October 29, 2014, at 9:30 a.m., in Courtroom No. 7 at the United States District Courthouse, 501 W. 5th Street, Austin, Texas 78701. At the fairness hearing, a judge will hear objections to the Consent Decree and decide if they have merit. When the judge believes that the terms of the Decree have been properly vetted, he will sign it.

Good luck with your campaign and again, please let me know if you have further questions.



**Rhoda Mae Kerr**  
**Fire Chief**  
**Austin Fire Department**  
**4201 Ed Bluestein Boulevard**  
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***Thank You For Your Support – I Look Forward to Serving You In The Future***

**[www.RhodaMaeKerr.com](http://www.RhodaMaeKerr.com)**

**From:** Don Zimmerman [<mailto:don@donzimmerman.org>]  
**Sent:** Friday, August 22, 2014 2:58 PM  
**To:** Tanzola, Michelle  
**Cc:** [don@donzimmerman.org](mailto:don@donzimmerman.org)  
**Subject:** General questions on AFD and particular question on DOJ Consent Agreement

This message is from Don Zimmerman. [ [don@donzimmerman.org](mailto:don@donzimmerman.org) ]

Dear Ms. Tanzola and Chief Kerr - Please forward this message to Rhoda Mae Kerr and other AFD parties that may be interested. I'm a City Council Candidate in District 6. I have observed the debate regarding the DOJ consent agreement regarding AFA hiring, and have discussed the issue at length with Bob Nicks. I'm requesting an audience with city employees to hear their side of this dispute; particularly, I'm asking why the cadet test time was modified and who modified it; this action appears to have opened a door for DOJ intervention, and additional conflict. This is a very important matter and I'm eager to hear your side of it. After studying the City Council testimony on this, I was surprised to see the council vote 5-2 to accept DOJ involvement. We all agree that an excellent fire department committed to the highest training and performance standards under an affordable tax burden should be our goal - help me investigate the disagreement from your perspective. Mr. Nicks has been generous with his time, and I hope you will be with yours. I ask for a reply and appointment before the end of August. Sincerely, Don Zimmerman 512-577-8842 (personal cell) 512-655-2929 (campaign office)